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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,	)	Case 1:20-cr-18
	)	
Plaintiff,	)	<b>EXCERPT</b>
	)	
v.	)	Alexandria, Virginia
	)	February 22, 2022
ROBERTO CARLOS CRUZ MORENO,	)	3:00 p.m.
<i>et al.</i> ,	)	
	)	
Defendants.	)	
_____		Pages 1 - 9

EXCERPT OF MR. WALSH'S OPENING STATEMENT  
BEFORE THE HONORABLE ANTHONY J. TRENGA  
UNITED STATES DISTRICT COURT JUDGE  
AND A JURY

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

EXCERPT

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23 DEFENDANTS ROBERTO CARLOS CRUZ MORENO, KEVIN PEREZ  
24 SANDOVAL, MARVIN TORRES, AND JOSE ROSALES JUAREZ IN  
PERSON

25 TERESA ROMAN AND MICHELLE DEUTSCH, SPANISH INTERPRETERS

EXCERPT

1 OPENING STATEMENT

2 MR. WALSH: May it please the Court, counsel  
3 for the government.

4 Let me start off by telling you that I'm  
5 sitting up front because my brethren and I agreed that  
6 I could sit up there. So it's not -- we're going to  
7 take different orders.

8 I'm Tom Walsh. I represent Roberto Cruz  
9 Moreno. I can tell you that -- and you heard from  
10 Judge Trenga about the presumption of innocence. I'm  
11 not going to get into the scales of justice in his  
12 favor, and he does not have to present any evidence or  
13 testify. We understand that.

14 So knowing those factors, the government's  
15 case is on trial. They're on trial. Their evidence is  
16 on trial. You're judging them in what they present  
17 because I don't have to do a thing. I can just sit  
18 here on my hands, but it amazes me what the government  
19 has charged Mr. Moreno with.

20 So you'll hear who really committed those  
21 crimes. You'll hear from coconspirators, they say, who  
22 are cooperating, and you'll hear -- and I don't have to  
23 go through them. The government has given some of them  
24 immunity. Actually, they're not going to be prosecuted  
25 for what they've done. And some of the other people

EXCERPT

1 that will come before you will discuss or testify that  
2 they're hoping to get out of jail, a get out of jail  
3 free card, work their sentences down. That's what the  
4 government is putting forward for you.

5           So as my parents would say, let's step back  
6 and look at the forest through the trees. Let's see  
7 the forest and see the overall thing that's happening  
8 here. The government is going to do a shock-and-awe  
9 case. They're going to put up bad pictures, gruesome  
10 pictures of murders. That's what they intend to do.

11           And I'll tell you, as he talked about,  
12 counsel talked about Marvin Guevera. He calls him  
13 Marvin from July 3, 2017. That man wasn't there. That  
14 man wasn't involved. But you'll see some horrible  
15 pictures of a murder that took place. As a matter of  
16 fact, the government can't even determine if my client  
17 was even in the State of Virginia. There will be no  
18 evidence of that.

19           But that's not it. They're going to put up  
20 two other murders, one back in 2016 of Christian Rivas.  
21 You'll see some horrible pictures. Again, that man  
22 wasn't there. He wasn't involved. But they're going  
23 to put that up for the shock-and-awe. And as a matter  
24 of fact, the evidence will show my client wasn't even  
25 in Virginia.

EXCERPT

1           Then they're going to put in another murder  
2 in 2014, Julio Urrutia. I think that's how it's  
3 pronounced. It's 2014. My client wasn't even in the  
4 country at that time, but that's what the government is  
5 going to do to try to persuade you to apply that  
6 towards my client.

7           But let's get down to brass taxes. Let's  
8 take a look at this thing. The government's witness,  
9 Javier Bonilla, who they've talked about, he is an  
10 attempted murderer. He's going to testify to you. And  
11 he is a *chequeo*, or he's a posse homeboy or homeboy.  
12 He was involved in the March 8, 2019, murder. He was  
13 involved in the August 12, 2000, murder, and then he  
14 did some other things. He sold drugs. He carried  
15 guns. He possessed guns. He's a cooperating witness  
16 for them, but he's a liar. We'll show he's a liar.  
17 And he has absolute immunity. He's not going to be  
18 prosecuted in federal court. Two attempted murders,  
19 drugs, guns, but he gets to walk.

20           Here, he may say he's an innocent  
21 participant, maybe he was forced into it. You'll hear  
22 that he on March 8 took a knife and stabbed it into  
23 Elvin's neck a couple of times. Dr. Seoudi I think  
24 he's called -- his name is. He'll testify about how  
25 the knife went in.

EXCERPT

1           You'll not hear any testimony that Mr. Moreno  
2 stabbed Elvin or shot Elvin or hit Elvin or slashed  
3 Elvin with a machete. But this cooperating witness who  
4 has immunity, he did it.

5           You'll hear how he was involved with Norman  
6 Sanchez. Counsel just said that. And he's, again, not  
7 being prosecuted for that attempted murder. Both of  
8 these people lived. You'll learn that he was  
9 prosecuted in Prince William County juvenile court for  
10 one of these events. It was knocked down to an  
11 unlawful wounding. He got 179 days in jail with 179  
12 days suspended. Two attempted murders -- the evidence  
13 will show -- drugs, guns, and he got suspended jail  
14 time. You'll learn 179 is very important in a sentence  
15 for him, but he's cooperating.

16           And he got that sentence, the evidence will  
17 show, four to six times after he met with the  
18 government. As a matter of fact, if I remember  
19 correctly, I think his disposition came down  
20 November 2, 2021, I think. I think. Don't hold me to  
21 that. You'll learn that he's basically scot-free, and  
22 he's trying to do everything in his powers to stay here  
23 in this country. So he's meeting with a case agent.  
24 As a matter of fact, the evidence will show he met with  
25 the case agent in this case and demanded papers so he

EXCERPT

1 could give that to Immigration to stay here.

2 But let's talk about my client, Mr. Moreno.  
3 You'll learn through the agent that he was on his own,  
4 age 15. He was living on the streets. He came to  
5 Virginia sometime after the 2017 murder that he was not  
6 involved in. You'll learn that he didn't shoot  
7 anybody, he didn't stab anybody. As a matter of fact,  
8 counsel said -- I think counsel said the evidence will  
9 show he drove one time, March 8. That's what they  
10 alleged.

11 You'll hear from, as they said, the gang  
12 expert the government will put up. This gang expert  
13 will tell you about discipline in gangs and things that  
14 you have to do or you're going to get killed or your  
15 family is going to get killed. It doesn't matter if  
16 you're a gang member. If they single you out -- maybe  
17 because you're Hispanic -- and they want you to do  
18 something, you may do it. But that doesn't mean you  
19 are a part of the racketeering or the enterprise or the  
20 gang.

21 So I'm going to keep this opening short, but  
22 I'm going to ask you to please listen close to all the  
23 evidence. But you have to judge the source of the  
24 evidence, the cooperating snitches that are doing  
25 anything they can to make sure they cover their tails,

EXCERPT

1 that they can get out of jail, that they get the  
2 immunity.

3           And when you look at this case -- first off,  
4 he's charged with, I think, maybe seven or eight  
5 counts, which is absurd. The government just  
6 overcharged him. The people that did the murders are  
7 not here, or you may be hearing they're working their  
8 way out of jail or get out of jail free cards, 179 and  
9 179. So they're putting on overcharging defendants, my  
10 client, because that's what they're doing.

11           So when you look at the evidence and what the  
12 evidence will be, I'm going to ask you to say to  
13 yourself, "Well, does Mr. Moreno know them?" I'll tell  
14 you the evidence will show he wasn't there in 2017. He  
15 wasn't there in August 12, 2019.

16           The government alleges he was a driver, a  
17 simple driver. Then when you see that he wasn't there,  
18 ask them, "How is he involved?" Look at the evidence.  
19 It will show he wasn't involved in those things. I  
20 think you'll see from the evidence the government has  
21 overly charged my client. The evidence is not going to  
22 match what the government alleges my client has done or  
23 did or they claim he did.

24           So keep in mind: The true killers, the  
25 attempted killers who are working their way out of

EXCERPT



1 | jail, they'll be cooperating. They'll be doing  
2 | everything possible to make sure that they can stay  
3 | here or get dumped in time or, you know, have  
4 | meaningful letters and stuff and things of that nature.

5           So looking at all of that, I'm going to ask  
6 you this: Keep your mind open. Wait to hear all the  
7 evidence. Again, remember, I don't have to present  
8 evidence. He's presumed innocent, and he doesn't have  
9 to testify if he chooses not to.

10           So at the end of this case -- the government  
11 will present its evidence. We'll present evidence, if  
12 we choose. Then we'll get a chance to argue the  
13 factors of the case, the elements of the case.

14           The government has to prove every element  
15 beyond a reasonable doubt -- and I'll be addressing  
16 that again -- because their case is on trial. Their  
17 case is on trial.

18      Thank you.

19 -----  
Time: 3:10 p.m.

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22

23 I certify that the foregoing is a true and  
accurate transcription of my stenographic notes.

24

25 / s /  
Rhonda F. Montgomery, CCR, RPR

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